

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**MATTHEW J. ROMERO, et al.,**

**Plaintiffs**

**v.**

**WARDEN ROY JOHNSON, et al.,**

**Defendants**

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**CIVIL NO. 1:13-CV-00591**

**(Judge Kane)**

**ORDER**

**NOW, THEREFORE, THIS 20th DAY OF MARCH, 2015**, upon consideration of Defendants' Motion to Dismiss (Doc. No. 47) and for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1) The Motion to Dismiss is **GRANTED** in part and **DENIED** in part as follows:

a) Plaintiffs' Fourteenth Amendment claim of denial of due process due to the denial of prison grievance forms is **DISMISSED** with prejudice.

b) Plaintiffs' Fourteenth Amendment claim of racial discrimination is **DISMISSED** without prejudice.

c) Defendants' motion to dismiss Plaintiffs' Eighth Amendment claim of cruel and unusual punishment is **DENIED**.

d) Defendants' motion to dismiss Plaintiffs' First Amendment claim of retaliation is **DENIED**.

2) Defendants shall file an answer as to the remaining claims in the complaint within twenty (20) days from the date of this Order.

s/ Yvette Kane  
YVETTE KANE  
United States District Judge  
United States District Court  
Middle District of Pennsylvania